

EXHIBIT I

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October 27, 2008

VIA E-MAIL

Mr. Clinton C. Carter
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.
218 Commerce Street
Post Office Box 4160
Montgomery, Alabama 36103-4160

Re: *United States ex. rel. Ven-A-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp., et al.*, No. 07 10248 PBS

Dear Counsel:

We acknowledge receipt of your letter, dated October 23, 2008, which indicates that your firm, along with Bartimus Frickleton Robertson & Gorny, has been retained by the State of Kansas for representation in AWP litigation.

By way of background, we have been working with Tariq Abdullah, counsel for the Kansas Health Policy Authority ("KHPA"), since early July 2008 with respect to a federal subpoena *duces tecum* and a federal subpoena for Rule 30(b)(6) deposition, which were served in *U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. et al. v. Boehringer Ingelheim Corp., et al.*, Civil Action No. 07-10248-PBS, and *U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. et al. v. Dey, Inc., et al.*, Civil Action No. 05-11084-PBS. Since July 2008, we have had numerous substantive discussions with Mr. Abdullah concerning KHPA's production of responsive documents and the scheduling of KHPA's Rule 30(b)(6) representative(s) to address the topics listed in the deposition subpoena served on July 23, 2008. Most recently, on October 22, 2008, Mr. Abdullah informed us that we should receive another production of responsive documents as soon as another attorney working for Kansas, Michael Leitch, completed a secondary review. We have not yet received that production but expect that those materials will be delivered to us in short order, along with any other responsive documents in KHPA's possession. To date, KHPA's production has been beyond paltry, totaling a mere 26 documents, and we therefore expect the next production to be much more fulsome.

With respect to your letter, please be aware that we have *never* received any objections from KHPA to the subpoena for a Rule 30(b)(6) deposition, let alone any indication that the deposition would need to be postponed indefinitely because, *inter alia*, "parties to the Kansas

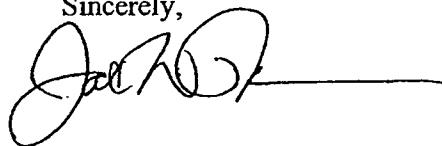
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AWP litigation will need to be present at any deposition of a representative of the Kansas Health Policy Authority." As such, we believe it is now untimely for KHPA to object to the subpoena on any grounds, including the grounds specified in your October 23, 2008. Moreover, please be advised that because the fact discovery deadline in our case is December 15, 2008, we cannot postpone our request for Rule 30(b)(6) testimony, nor are you unilaterally entitled to do so. As a result, we ask that as soon as possible you provide us with available dates within our factual discovery period for KHPA's representative(s) on each of the topics listed in our subpoena. Of course, we will also insist that KHPA complete its document production as soon as possible but in no event later than seven days before the Rule 30(b)(6) deposition(s). While we believe any motion practice by you concerning KHPA's legal obligation to respond to either of these subpoenas would be without merit, if you do not intend to make witness(es) available by December 15, 2008 or produce further responsive materials, you should let us know immediately. I appreciate your prompt attention to this matter.

Please let me know if you have any questions.

Sincerely,



John W. Reale

JWR/taw

cc: Michael Leitch (via e-mail)
Tariq Abdullah (via e-mail)
James Bartimus (via e-mail)
Neil Merkl (via e-mail)